

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JUNE 8, 1998
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:11 p.m.

Mayor Golding announced the Budget Hearings scheduled for June 10, 1998, at 6:00 p.m. at the Bayview Church in the Martin Luther King Cultural Center and Thursday, June 11, 1998, at 10:00 a.m. in Council Chambers. She encouraged all members of the public to attend.

Mayor Golding adjourned the meeting at 5:27 p.m. into Closed Session on Tuesday, June 9, 1998, at 9:00 a.m. in the twelfth floor conference room to discuss existing and anticipated litigation and property acquisition.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-excused by R-290316
(No reason given)
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (lw)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-not present
- (6) Council Member Stallings-not present
- (7) Council Member McCarty-not present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Pastor James Smith of
Clairemont Emmanuel Baptist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Kehoe.

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Don Stillwell regarding the debt limit. He
said a grant is not free money. He also commented on
taxes to pay for large projects.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A035-061.)

ITEM-PC-2:

Comments by Anthony Mournian regarding dog incidents at parks. He asked if the rangers keep a record of these incidents.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A064-095.)

ITEM-PC-3: REFERRED TO CITY MANAGER

Comments by Susan Mournian regarding the Land and Water Conservation Project at Morley field and dogs off-leash. She also requested an environmental impact report in regards to off-leash dog activity for neighborhood and community parks.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A096-122.)

ITEM-PC-4: REFERRED TO CITY MANAGER

Comments by Amalia "Mollie" Solorzano regarding the master plan for Balboa Park and off-leash dogs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A123-157.)

ITEM-PC-5: REFERRED TO CITY MANAGER

Comments by Donna Frye regarding the number of beach closures and signs posted at 19 of the most significant storm drain outfalls. She asked who was responsible for the upkeep of these signs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A158-210.)

ITEM-PC-6:

Comments by Dory Schretzmann regarding mooring issues. She sent correspondence to all Council Members. She communicated how the outreach panel felt they were misled by port staff. The issue is the public mooring buoys.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A211-239.)

ITEM-PC-7:

Comments by Roger Scott regarding the protesting by the homeless at City Hall and gave Council Members a progress report.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A240-260.)

ITEM-PC-8:

Comments by Anne Curo regarding the United States Mayors' Conference and shelters for the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A261-270.)

ITEM-PC-9:

Comments by Forrest Curo regarding the misconception on housing and homelessness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A271-293.)

ITEM-PC-10: REFERRED TO CITY MANAGER

Comments by James Lambert on lewd conduct at Presidio and Marian Bear Park. He asked that the public officials consistently enforce the law as it pertains to lewd conduct.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A294-319.)

ITEM-PC-11: REFERRED TO CITY MANAGER

Comments by Suzanne Jones regarding illegal drug activity and sexual misconduct at Presidio Park and Marian Bear Park. She requested action be taken so she and her children can enjoy the parks.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A320-342.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Vargas thanked all the people who voted for him. He also announced that the woman he was hugging on election night was his sister.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A343-347.)

ITEM-CC-2:

Council Member Stallings thanked all of her supporters and said she looks forward to another four years working with the Council, the Mayor, and the community.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A348-351.)

ITEM-CC-3:

Council Member Kehoe commented on San Diego Cares. She was at Crown Point Elementary School and cleaned a kindergarten class with ten other volunteers. Other teams also worked on the school. Some students came to help, too. She said San Diego Cares deserves to be commended. Mayor Golding said she was at Madison School cleaning windows. Council Member Kehoe also congratulated the Council Members who were re-elected.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A352-366.)

ITEM-CC-4:

Deputy Mayor Wear thanked the voters of District 2 for re-electing him. He said his campaign was very positive and he was pleased with the result. He mentioned he was at Pacific Beach Middle School for the San Diego Cares project raking leaves and painting. There were about 5,000 volunteers throughout the entire school district. Deputy Mayor Wear also congratulated Council Member Mathis for winning the contest of the highest percentage of Proposition A votes. He noted that District 2 was ahead of District 4. Mayor Golding announced the ground-breaking for the Convention Center Expansion Project on June 15, 1998.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A367-378; A390-402.)

ITEM-CC-5:

Council Member Stevens congratulated his colleagues on their success in the primary election and looks forward to working with them. He believes this is a Council that works together. Council Member Stevens also thanked the voters for supporting Proposition A, the expansion of the Convention Center.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A379-389.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

5/11/98

5/12/98

5/12/98 Special Joint Meeting

5/18/98

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A404-407.)

MOTION BY STEVENS TO APPROVE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: Recognizing the 1998 Graffiti Control Program Poster and Essay Contest Winners.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1400) ADOPTED AS RESOLUTION R-290177

Recognizing the 1998 Graffiti Poster Winners and the 1998 Graffiti Essay Winners, as follows:

1998 Graffiti Poster Winners

Kyra Chin
Chelsea Renee Frisbee
Florence Yi-Ting Law
Maggie Law

1998 Graffiti Essay Winners

Sandra Behena
Anthony Corrao-Clements
Julie Goetzen
Andy Khoupongsy

Gonzalo Lopez
Kit Medina
Brittany Neal
Lindsay Parrish
Isaac Salazar

Chantrea Lim
Andy Ngo
Matthew Oden
Rebecca Tall
Hannah Wolkse

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A410-484; B220-223.)

MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: Philippine Independence Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1349) ADOPTED AS RESOLUTION R-290178

Proclaiming the week of June 6 through 12, 1998 to be "Philippine Independence Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A485-579; B220-223.)

MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33:

SUBJECT: Environmental Services Recycling and Refuse Collection Drivers Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1390) ADOPTED AS RESOLUTION R-290179

Proclaiming June 8, 1998 to be "Environmental Services Recycling and Refuse Collection Drivers Day" in San Diego, and urging all San Diegans to support the exemplary efforts of all refuse collection and recycling program drivers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A580-665; B220-223.)

MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-34:

SUBJECT: National Homeownership Week.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1348) ADOPTED AS RESOLUTION R-290180

Recognizing the importance of homeownership towards stabilizing neighborhoods in the City of San Diego;

Proclaiming the week of June 6 through 13, 1998 to be "National Homeownership Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B030-101; B220-223.)

MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-35:

SUBJECT: Honoring Cliff Eskew.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1095) ADOPTED AS RESOLUTION R-290181

Commending Cliff Eskew for his never ending spirit of
community involvement and making the City of San Diego
a better place to live.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B101-134; B220-223.)

MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by
the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-36:

SUBJECT: Serra High School Boys' Lacrosse State Champions Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1368) CONTINUED TO JUNE 15, 1998

Proclaiming June 8, 1998, as "Serra High School Boys'
Lacrosse State Champions Day" in San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO CONTINUE TO JUNE 15, 1998, AT THE REQUEST OF COUNCIL MEMBER McCARTY TO ALLOW THE SERRA HIGH SCHOOL BOYS' LACROSSE TEAM TO BE PRESENT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-37:

SUBJECT: June is National Safety and Health Month.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1364) ADOPTED AS RESOLUTION R-290183

Urging all San Diegans, City employees and visitors to our fine City, to live, work and think safety and health year round;

Proclaiming June to be "National Safety and Health Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B138-162; B220-223.)

MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-50:

SUBJECT: Adoption of the Maintenance Assessment District Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 5/26/98. (Council voted 9-0):

(O-98-120 REV. 1) ADOPTED AS ORDINANCE O-18523 (New Series)

Amending Chapter VI, Article 5, Division 2 of the San Diego Municipal Code by amending the title of Division 2; by amending Section 65.0201; by repealing existing Section 65.0202; by creating a new Section 65.0202; by repealing existing Sections 65.0203 and 65.0204; by renumbering and amending existing Sections 65.0205, 65.0206, 65.0207, and 65.0215 to Sections 65.0203, 65.0204, 65.0205, and 65.0206; by repealing existing Sections 65.0208, 65.0209, 65.0209.5, 65.0210, and 65.0211; by creating new Sections 65.0209, 65.0210, 65.0211, 65.0212, 65.0213, and 65.0214; by renumbering and amending existing Sections 65.0212, 65.0213, and 65.0214 to Sections 65.0219, 65.0220, and 65.0221; by repealing existing Sections 65.0216 and 65.0217; and by renumbering and amending existing Sections 65.0218, 65.0219, 65.0220, 65.0221, and 65.0222, to Sections 65.0222, 65.0223, 65.0224, 65.0225, and 65.0226; and by creating a new Section 65.0227; all pertaining to Maintenance Assessment Districts.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51:

SUBJECT: Adoption of Revisions to the Centre City Planned District Ordinance.

(Centre City Community Area. Districts-2, 3 & 8.)

NOTE: The public testimony portion of the hearing is closed. Public testimony was taken on 5/18/98.

Adopt the following ordinance which was introduced on 5/18/98. (Council voted 6-1. Councilmember McCarty voted nay. Councilmembers Mathis and Warden not present):

Amending Chapter X, Article 3, Division 19, of the San Diego Municipal Code by amending Sections 103.1915 and 103.1925 relating to the Centre City Planned District.

COUNCIL ACTION: (Tape location: B232-536.)

* ITEM-52:

(Rancho Penasquitos Community Area. District-1.)

NOTE: The public testimony portion of the hearing is closed.
Testimony was taken on 5/26/98.

Adopt the following ordinance which was introduced on 5/26/98. (Council voted 9-0):

Rezoning 2.97 acres located on the south side of Entreen Way and the west side of Carmel Mountain Road, described as Lot 1, Black Mountain Vista North Unit No. 4, Map-12603, from the CN Zone to the R1-5000 Zone.

FILE LOCATION: LAND - Rancho Penasquitos Community Plan

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Location of Public Budget Hearing Scheduled for June 10, 1998.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1389) ADOPTED AS RESOLUTION R-290184

Declaring that the quarterly night City Council meeting shall be scheduled for Wednesday, June 10, 1998, and shall be conducted at the Bayview Church, 6134 Benson Avenue, San Diego (in the Martin Luther King Cultural Center), scheduled to commence at 6:00 p.m.;

Directing the City Clerk to post and publish as necessary, the notice of the meeting with the date, time, and location and make the necessary preparations and arrangements.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Phase Funded Contract with Nielsen Dillingham Builders, Inc. for Point Loma - North Operations Building.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-984 Corrected) ADOPTED AS RESOLUTION R-290185

Accepting the low bid of \$7,102,950 by Nielsen Dillingham Builders, Inc., for construction of the Point Loma - North Operations Building;

Authorizing the City Manager to execute a phase funded contract, to be funded as follows:

	Construction	Related Costs	Subtotal	Contingency
Total				
CIP-46-180.0				
FY 98 Phase 1	\$1,213,883	\$430,000	\$1,643,883	\$ 60,694
\$1,704,577				
FY 99 Phase 2	1,657,667	150,000	1,807,667	82,884
\$1,890,561				
FY 99 Phase 3	2,883,913	200,000	3,083,913	144,196
\$3,228,109				
FY 00 Phase 4	1,130,487	135,000	1,265,487	56,524
\$1,322,011				
Subtotal	\$6,885,950	\$915,000	\$7,800,950	\$344,298
\$8,145,248				
CIP-46-175.0				
FY 98 Phase 1	\$ 217,000	\$ 20,000	\$ 237,000	\$ 10,850
\$247,850				
TOTAL	\$7,102,950	\$935,000	\$8,037,950	\$355,148
\$8,393,098				

Authorizing the increased expenditure of not to exceed \$1,965,248 to supplement the expenditure of \$6,180,000 previously authorized by Resolution No. R-289154, adopted on September 8, 1997, for a revised expenditure of \$8,145,248, based on the actual low bid submitted,

to provide funds for project construction, contingency, and related costs, consisting of \$7,800,950 from CIP-46-180.0, Point Loma - North Operations Building, and \$344,298 from CIP-46-501.0, Annual Allocation - Metro Pooled Contingency; provided that the City Auditor first furnishes one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of not to exceed \$1,952,427 to fund Phase 1 of this contract, contingency, and related costs, consisting of \$1,643,883 from CIP-46-180.0, Point Loma - North Operations Building; \$237,000 from CIP-46-175.0, Point Loma - Headworks, Odor Control & Grit Processing Facility; and \$71,544 from CIP-46-501.0, Annual Allocation - Metro Sewer Pooled Contingency, expended as follows:

	Construction	Related Costs	Subtotal	Contingency
Total				
CIP-46-180.0				
FY 98 Phase 1	\$1,213,883	\$430,000	\$1,643,883	\$60,694
\$1,704,577				
CIP-46-175.0				
FY 98 Phase 1	\$ 217,000	\$ 20,000	\$ 237,000	\$ 10,850
\$247,850				
SUB-TOTAL	\$1,430,883	\$450,000	\$1,880,883	\$ 71,544
\$1,952,427				

CITY MANAGER SUPPORTING INFORMATION:

CIP-46-180.0 is for the construction of the Point Loma - North Operations Building (NOB), a three storey building with an area of approximately 22,305 square feet for the purpose of centralizing plant operations. Odor Removal System (ORS) No. 6 is currently on the site of the proposed Point Loma - NOB. As part of CIP-46-175.0, Point Loma - Headworks, Odor Control & Grit Processing Facility, ORS No. 6 will be demolished and reconstructed. The advertisement and award for the Point Loma - NOB and Reconstruction of the Odor Removal System No. 6 (ORS No. 6) were authorized by City Council on September 8, 1997, under Resolution No. R-289154 for \$6,180,000. On September 11, 1997, the project was advertised in the San Diego Daily Transcript.

Five bids were opened on November 5, 1997 for the combined ORS No. 6 demolition and Point Loma - NOB construction, but the City rejected all submitted bids as being non-responsive. Also, all bid amounts were substantially higher than the design estimated amount that had been approved by Council for the project. The construction contract was readvertised for bids on December 11, 1997. The bids were opened on January 22, 1998. The lowest responsible bidder was Nielsen Dillingham Builders, Inc. of San Diego, CA, with a bid amount of \$7,102,950. This request is for approval to increase the funding for the Point Loma - NOB by \$1,965,248 to a total of \$8,145,248. This action also authorizes Phase 1 in the amount of \$1,952,427 for construction, contingency and related costs.

Aud. Cert. 9801329.

FILE LOCATION: CONT - Nielsen Dillingham Builders, Inc.
for Point Loma - North Operations
Building

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-102:

SUBJECT: Inviting Bids for the Removal of Architectural Barriers
for the Disabled - Contract 40.

(Rancho Bernardo, Mira Mesa, Kearny Mesa, Clairemont
Mesa, Linda Vista, University, La Jolla, and Peninsula
Community Areas. Districts-1,2,5 & 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1335) TRAILED TO JUNE 9, 1998

Inviting bids for the Removal of Architectural Barriers
for the Disabled - Contract 40 on Work Order No.
112737;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller to transfer \$300.05 from CDBG Fund 18528, Dept. No. 4028, Org. 2801; \$2,932.15 from CDBG Fund 18529, Dept. No. 4048, Org. 4802; \$13,000 from CDBG Fund 18532, Dept. No. 4120, Org. No. 2003; \$28,000 from CDBG Fund 18533, Dept. No. 4145, Org. No. 4511; \$11,000 from CDBG Fund 18533, Dept. No. 4145, Org. No. 4509; \$50,000 from CDBG Fund 18533, Dept. No. 4145, Org. No. 4510; \$14,000 from CDBG Fund 18533, Dept. No. 4145, Org. No. 4507; and \$38,600 from CDBG Fund 18533, Dept. No. 4136, Org. No. 3602 to CDBG Fund 18533, Dept. No. 4145, Org. No. 4501;

Authorizing the expenditure of not to exceed \$219,000 from CDBG Fund 18533, Dept. No. 4145, Org. No. 4501;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K98084C)

CITY MANAGER SUPPORTING INFORMATION:

Community Block Grant Fund Nos. 18528, 18529, 18532, and 18533 provide for the design and construction of pedestrian ramps. The ramps are required because persons with disabilities and many senior citizens find their mobility restricted by curbs that are difficult to negotiate. This project will provide 160 ramps.

Aud. Cert. 9801239.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: E294-295.)

* ITEM-103: RETURNED TO CITY MANAGER

SUBJECT: Two actions related to the Robb Field Parking Lot Improvements.

(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-994)

Approving the plans and specifications and authorizing the Contract Services Division to advertise for bids for the Robb Field Parking Lot Improvements on Work Order No. 119930;

Authorizing the execution of a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$77,050, from CDBG Fund No. 18527, Dept. 4013, Org. No. 1308; an amount not to exceed \$72,000 from CDBG Fund No. 18531, Dept. 4083, Org. 8301;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K98086C)

Subitem-B: (R-98-993)

Certifying that the information contained in Environmental Negative Declaration DEP-93-0610BG, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION:

Robb Field is a portion of the developed 66.76 acre Ocean Beach Athletic Area located at 2525 Bacon Street. This project will improve an existing dirt parking lot, construct a new parking lot, install potable and irrigation lines, 2 drinking fountains, and landscaping.

Aud. Cert. 9800940.

FILE LOCATION: Subitems A,B: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO RETURN TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104:

SUBJECT: Two actions related to Inviting Bids for Water and Sewer Main Replacement Group 518.

(Ocean Beach and Peninsula Community Areas.
District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1129) ADOPTED AS RESOLUTION R-290186

Inviting bids for Water and Sewer Main Replacement Group 518 on Work Order Nos. 181681/172141;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of not to exceed \$473,527 from Sewer Fund 41506, CIP-44-001.0; an amount not to exceed \$1,324,660 from Water Revenue Fund 41500, CIP-73-083.0; and an amount not to exceed \$1,798,187;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury. (BID-K98087C)

Subitem-B: (R-98-1130) ADOPTED AS RESOLUTION R-290187

Authorizing the use of City Forces to cut, plug, and install valves, and appurtenances, reconnect, and perform operational checks; declaring that the cost of the work shall not exceed \$195,187.

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Replacement Group 518 is part of the City's ongoing cast iron water main and concrete sewer main replacement program. The existing mains were installed between the years 1925 and 1927. Replacement of these deteriorated and undersized mains will continue to provide the community with a safe and reliable infrastructure. This project is within the Ocean Beach and Peninsula Community Areas and involves the replacement of approximately 2,526 feet of existing 6-inch and 8-inch sewer mains and 7,412 feet of 6-inch water mains. The project area is within Muir Street and Lotus Street from Abbott Street to Venice Street. Replacement of these mains is recommended.

WWF-98-329.

FILE LOCATION: Subitems A,B: W.O. 181681/172141
CONT - Ortiz Corporation

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT THE RESOLUTIONS.
Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Four actions related to the Final Subdivision Map of Carmel Valley Neighborhood 7, Unit 16A.

(A 17-lot subdivision. Carmel Valley Community Area.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1285) ADOPTED AS RESOLUTION R-290188

Authorizing a Subdivision Improvement Agreement with Pardee Construction Company, for the installation and completion of public improvements;

Authorizing the release of Subdivision Performance Bond No. 400JH4560 in the amount of \$515,841, upon recordation of the Final Map.

Subitem-B: (R-98-1286) ADOPTED AS RESOLUTION R-290189

Approving the final map.

Subitem-C: (R-98-1287) ADOPTED AS RESOLUTION R-290190

Authorizing a Subdivision Improvement Agreement with Pardee Construction Company, for the installation and completion of public improvements.

Subitem-D: (R-98-1288) ADOPTED AS RESOLUTION R-290191

Authorizing a Landscape Maintenance Agreement with Pardee Construction Company, for the maintenance and monitoring of landscaping within the public rights-of-way.

CITY MANAGER SUPPORTING INFORMATION:

Carmel Valley Neighborhood 7 Unit 16A is a resubdivision of the previously approved North City West Neighborhood 7 Unit 16A. The development is located east of Interstate 5 and north of Del Mar Heights Road in the Carmel Valley Community Plan Area. The previous development was approved to be a small multi-family project. On November 18, 1997, the City Council approved Vesting Tentative Map VTM-96-0550 to modify the project to a single family residential subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The City Council is requested to approve the final map of Carmel Valley Neighborhood 7 Unit 16A and to terminate the previous, City Council approved, North City West Neighborhood 7 Unit 16A Subdivision Improvement Agreement and Release of Performance Bond No. 400JH4560. The public improvements required for this subdivision are shown in detail on Drawing Nos. 26170-1-D through 26170-26-D, filed in the Office of the City Clerk under Micro Number 139.66. All improvements are to be completed within two years. The Engineer's estimate for

the cost of public improvements is now \$657,564 and a new Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$3,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Valley Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development." Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances within the City right-of-way, adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility.

FILE LOCATION: Subitems A,B,C,D: SUBD - Carmel Valley
Neighborhood 7, Unit 16A

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT THE RESOLUTIONS.
Second by Kehoe. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106:

SUBJECT: Three actions related to the Final Subdivision Map of
Cypress Valley Unit No. 2.

(A 27-lot subdivision located on the south side of
Cypress Canyon Road. Miramar Ranch North Community
Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1228) ADOPTED AS RESOLUTION R-290192

Authorizing a Subdivision Improvement Agreement with
Cypress Valley L.L.C. for the installation and
completion of public improvements.

Subitem-B: (R-98-1227) ADOPTED AS RESOLUTION R-290193

Approving the final map.

Subitem-C: (R-98-1229) ADOPTED AS RESOLUTION R-290194

Authorizing a Landscape Maintenance Agreement with
Cypress Valley L.L.C. for the maintenance and
monitoring of landscaping within the public
rights-of-way.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 8.745 acre site into 27 lots for residential development. It is located on the south side of Cypress Canyon Road in the Miramar Ranch North Community Plan area. On July 15, 1997 the Council of the City of San Diego approved Tentative Map TM-96-0315 by Resolution R-288964 for Cypress Valley Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28859-1-D through 28859-4-D, filed in the Office of the City Clerk under Micro Number 139.68. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$402,364 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$4,100, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Subdivider shall enter into a Landscape Maintenance Agreement,

agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way, adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility. A Performance Bond for Landscaping Maintenance in the amount of \$48,674 will be provided to ensure the maintenance of the landscape improvements prior to the release of the performance bond for grading and public improvements.

FILE LOCATION: Subitems A,B,C: SUBD - Cypress Valley
Unit No. 2

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT THE RESOLUTIONS.
Second by Kehoe. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Two actions related to the Final Subdivision Map of
Rhodes Subdivision.

(A 42-lot subdivision located on east of El Camino
Real. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1284) ADOPTED AS RESOLUTION R-290195

Authorizing a Subdivision Improvement Agreement with
Barratt American, Inc., for the installation and
completion of public improvements.

Subitem-B: (R-98-1283) ADOPTED AS RESOLUTION R-290196

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 9.9658 acre site into 42
lots for residential development. It is located east of El

Camino Real in the Carmel Valley Community Plan area. On January 29, 1998 the Planning Commission of the City of San Diego adopted Resolution No. 2595-1-PC, approving Vesting Tentative Map VTM-96-7863 for Rhodes Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28790-1-D through 28790-22-D, filed in the Office of the City Clerk under Micro Number 139.72. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$2,045,283 and Performance Bonds in that amount have been provided as surety. A cash bond in the amount of \$6,500, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Valley Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development." Subdivider has deposited \$248,200 into a trust fund for the cost to the City for the slope easement being abandoned on this map. After City Council approves the abandonment the monies will be transferred from the trust fund to the general fund. Real Estate Assets will complete the transaction.

FILE LOCATION: Subitems A,B: SUBD - Rhodes Subdivision

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT THE RESOLUTIONS.
Second by Kehoe. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108:

SUBJECT: Two actions related to the Final Subdivision Map of
Torrey Hills Unit 14.

(A 108-lot subdivision. Sorrento Hills Community Area.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1290) ADOPTED AS RESOLUTION R-290197

Authorizing a Subdivision Improvement Agreement with
Presley Torrey II Associates, LLC, for the installation
and completion of public improvements.

Subitem-B: (R-98-1289) ADOPTED AS RESOLUTION R-290198

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 24.004 acre site into 108 lots for residential development. It is located south of Carmel Mountain Road in the Sorrento Hills Community Plan Area. On March 17, 1997, the Council of the City of San Diego approved Vesting Tentative Parcel Map VTM-95-0554, Torrey Hills by Resolution No. R-288438 for Torrey Hills Unit No. 14 Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28642-1-D through 28642-8-D, filed in the Office of the City Clerk under Micro Number 139.73. The improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$1,276,095.76 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$30,600, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Sorrento Hills Community Area. This subdivision has a development agreement which provides for the payment of public facilities. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of

Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development."

FILE LOCATION: Subitems A,B: SUBD - Torrey Hills Unit
14

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT THE RESOLUTIONS.
Second by Kehoe. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: Lot Line Adjustment and Street Vacation - Parcel Map
W.O. No. 97-125.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1316) ADOPTED AS RESOLUTION R-290199

Approving Parcel Map W.O. No. 97-125 including the
summary vacation of Judicial Drive.

CITY MANAGER SUPPORTING INFORMATION:

This lot line adjustment parcel map reflects an adjustment of lot lines to accommodate new construction located north of Eastgate Mall, and east of Towne Centre Drive. The map requires City Council approval because an unimproved public street, Judicial Drive, is being vacated on the map. The vacation was requested by the new owners of the property because all parcels along the cul-de-sac to be vacated are now under a single ownership and the current development proposes to take access through a private driveway. Staff has determined that the revised project is consistent with all previously approved applications and recommends approval of the project.

FILE LOCATION: STRT - J-2884

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110: RETURNED TO THE CITY MANAGER

SUBJECT: Two actions related to North Torrey Pines Landscape
Maintenance District.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1134)

Resolution of Intention to levy and collect 1999 annual
assessments on North Torrey Pines Landscape Maintenance
District.

Subitem-B: (R-98-1135)

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

The North Torrey Pines Landscape Maintenance District (LMD) was established in 1995 to provide maintenance of landscaped medians and parkway within the public right-of-way of Genesee Avenue and North Torrey Pines Road. The district maintains approximately 54,500 square feet of landscaped medians, 4,500 square feet of hardscape medians, 92,000 square feet of landscaped right-of-way parkway, 20,500 square feet of hardscaped right-of-way parkways, and 6,200 linear feet of curb and gutter. The Fiscal Year 1999 proposed maintenance costs for the district are as follows:

DESCRIPTION	OPERATIONS	FUND RESERVE	TOTAL
BEGINNING BALANCE	\$ 0.00	\$ 0.00	\$ 0.00
REVENUE:			
Assessments	\$ 71,856.00	\$ 0.00	\$ 71,856.00
Interest	0.00	0.00	0.00
City Contribution	0.00	0.00	0.00

TOTAL REVENUE	\$ 71,856.00	\$ 0.00	\$ 71,856.00
TRANSFER:	(15,768.00)	15,768.00	0.00
EXPENSE:			
Personnel	\$ 5,787.00	\$ 0.00	\$ 5,787.00
Contractual	30,000.00	0.00	30,000.00
Incidental	9,776.00	0.00	9,776.00
Utilities	10,525.00	0.00	10,525.00
TOTAL EXPENSE	\$ 56,088.00	\$ 0.00	\$ 56,088.00
ENDING BALANCE	\$ 0.00	\$ 15,768.00	\$ 15,768.00

The proposed assessment for Fiscal Year 1999 is \$19.40 per Equivalent Benefit Unit (EBU) indexed annually to the San Diego CPI-U. This is the first year that the district will assume responsibility for the maintenance. The improvements have been installed and maintained by a private contractor. The establishment period requirements have been fulfilled by the contractor this year. The district contains 3,704.21 Equivalent Benefit Units (EBU's).

FILE LOCATION: Subitems A,B: STRT - M-376-99

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO RETURN TO THE CITY MANAGER FOR FURTHER REVIEW AT HIS REQUEST . Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Establishing One-Way Operation on Bessemer Street.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1321) ADOPTED AS RESOLUTION R-290200

Establishing a one-way westbound traffic operation on
Bessemer Street between Armada Terrace and Rosecrans
Street;

Authorizing the necessary signs and markings to be made
on the street; declaring that the imposed regulations
shall become effective upon the installation of the
signs.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes one-way westbound traffic operation on
Bessemer Street between Armada Terrace and Rosecrans Street.
Currently, this segment is two-way. This action is supported by
affected residents and the Peninsula Community Planning Board.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112:

SUBJECT: Establishing a Commercial Vehicle Prohibition on Dale
Street.

(Greater Golden Hill Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1320) ADOPTED AS RESOLUTION R-290201

Establishing a prohibition of commercial vehicles with
a gross vehicle weight rating of over 10,000 pounds
from operating on Dale Street between Beech Street and
Cedar Street;

Authorizing the necessary signs and marking to be made
on the streets; declaring that the regulations shall
become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This resolution prohibits commercial vehicles with a rated capacity of five tons or more from using Dale Street between Beech Street and Cedar Street. By law, passenger buses, public utility vehicles, and commercial vehicles with an origin or destination on the affected street are exempt from this provision. A petition representing 11 of the 13 fronting properties (85 percent) was submitted requesting the establishment of this prohibition. Alternative routes for through trips by commercial vehicles include 30th Street and Fern Street. The greater Golden Hill Planning Committee approved the prohibition on February 11, 1998.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-113:

SUBJECT: Settlement of the Personal Injury Claim of Judy Sayler
and Richard Sayler.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1208) ADOPTED AS RESOLUTION R-290202

A Resolution approved by the City Council in Closed Session on Tuesday, April 21, 1998 by the following vote:
Mathis-yea; Wear-yea; Kehoe-yea; Stevens-not present;
Warden-not present; Stallings-yea; McCarty-yea; Vargas-not present; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$2,750,000 in the settlement of each and every claim against the City, its agents and employees, resulting from injuries sustained by Judy Sayler in an automobile accident that occurred on September 6, 1996, Superior Court Case No. 707263, Sayler v. City of San Diego);

Authorizing the City Auditor and Comptroller to issue two checks: one in the amount of \$2,059,682 made payable to Judy Sayler and Richard Sayler and their attorney of record, Brooks Iler, and one check in the amount of \$690,318 made payable to G.E. Capital Assignment Corporation, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Judy & Richard Sayler against the City of San Diego, its agents and employees, as a result of an incident that occurred on September 6, 1996.

Aud. Cert. 9900001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-114:

SUBJECT: Amending the Fiscal Year 1998 Capital Improvements
Program Budget for Kearny Mesa Community Park Ballfield
Lighting Upgrade.

(Kearny Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1333) ADOPTED AS RESOLUTION R-290203

Amending the Fiscal Year 1998 Capital Improvements
Program by adding CIP-29-634.0, Kearny Mesa Community
Park Ballfield Lighting Upgrade;

Authorizing the transfer of \$60,000 from CIP-39-085.0, Linda Vista Development Impact Fee, Fund No. 79503, to CIP-29-634.0, Kearny Mesa Community Park Ballfield Lighting Upgrade;

Authorizing the expenditure of not to exceed \$60,000 from CIP-29-634.0, Kearny Mesa Community Park Ballfield Lighting Upgrade, to expand the use of the ballfield for Little League play.

CITY MANAGER SUPPORTING INFORMATION:

On behalf of the Kearny Mesa Community, Council District 5 has requested that the existing ballfield lighting at the Kearny Mesa Community Park be upgraded to comply with current Little League standards. This upgrade will remedy the safety and liability concerns relative to playing baseball under substandard lighting conditions, and expand the use for Little League play.

Aud. Cert. 9801277.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115:

SUBJECT: Emergency Construction of the Fontaine Street Storm Drain Rehabilitation.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1131) ADOPTED AS RESOLUTION R-290204

Amending the FY 98 Budget, increasing CIP-18-010.3 (Fontaine Street Storm Drain Rehabilitation) budget by \$535,000;

Authorizing the City Auditor and Comptroller to transfer \$535,000 from Fund No. 302191, Gas Tax Fund Balance, to CIP-18-010.3, Fontaine Street Storm Drain Rehabilitation;

Authorizing the expenditure of \$560,000 from CIP-18-010.3, Fontaine Street Storm Drain Rehabilitation;

Authorizing a contract with BRH-Garver to perform emergency repair work on the Fontaine Street Storm Drain Rehabilitation;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Heavy rain this winter season caused a 54" diameter corrugated metal storm drain pipe in Fontaine Street to collapse which resulted in a 15 foot by 20 foot deep sinkhole in Fontaine Street at Hamlet Avenue. Inspection of the pipe revealed severe deterioration from corrosion with an increased chance of near term failure if the pipe is not rehabilitated. The rehabilitation work will include placing concrete lined steel liners inside the existing pipe, removing collapsed sections of the pipe, open trench replacement of 18" and 30" lateral pipes, placing cathodic test stations, and replacing undermined curb, gutter, sidewalk and street sections at the sinkholes. BRH-Garver, a local firm specializing in pipe rehabilitation, was retained to execute the emergency work.

Aud. Cert. 9801332.

FILE LOCATION: CONT - BRH-Garver, Inc.

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-116:

SUBJECT: Declaring a Continued State of Emergency Regarding the
Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager's Update. San Ysidro and Tijuana
River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1123) ADOPTED AS RESOLUTION R-290205

Declaring a continued State of Emergency regarding the
discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency regarding
the discharge of raw sewage from
Tijuana, Mexico

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-117:

SUBJECT: Arthur De Fever Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1387) ADOPTED AS RESOLUTION R-290206

Recognizing Arthur De Fever for his service to San
Diego and commending him for an outstanding record of
maritime leadership by proclaiming June 6, 1998 to be
"Arthur De Fever Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-118:

SUBJECT: Excusing Councilmember Warden from the Council Meeting
of 5/18/98.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1326) ADOPTED AS RESOLUTION R-290207

Excusing Councilmember Barbara Warden from attending
the regularly scheduled City Council meeting of May 18,
1998.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-119:

SUBJECT: School Safety Patrol Summer Camp.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1393) ADOPTED AS RESOLUTION R-290208

Authorizing the City Manager to enter into a Letter of Agreement with the San Diego Unified School District for students to and from School Safety Patrol Summer Camps;

Authorizing the expenditure of approximately \$115,000 from Police Department budgeted funds (Fund 100, Department 110, Organization 5530, Job Order 005535, Object Account 4455), for providing funds for the School Safety Patrol Camp.

CITY MANAGER SUPPORTING INFORMATION:

For over 35 years, the City of San Diego has conducted, through the Police Department, a School Safety Patrol Summer Camp. Attendees are fifth and sixth grade students who have served a minimum of one year as school patrol crossing guards. This camp is held in recognition of the contributions made by these children, and provides an educational and recreational experience for them. This summer, approximately 960 students and 96 student counselors are expected to attend. This action provides for entering into an agreement with the San Diego Unified School District for the transporting of the students to and from camp. In the past, the school district has provided the buses, drivers and insurance.

The City of San Diego is responsible for the conduct of the students while on the buses, and agrees to share equally in liability in excess of the school district's insurance policy. This action further provides for paying expenses associated with conducting the School Safety Patrol Summer Camp, such as payment to San Diego County Schools, Department of Outdoor Education for the use of the facilities at Palomar Mountain School Camp.

Aud. Cert. 9801335.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-120:

SUBJECT: Amendment No. 4 with HDR Engineering, Inc., for
Facilities Optimization Contract.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1343) ADOPTED AS RESOLUTION R-290209

Authorizing a fourth amendment to the agreement of
October 21, 1996, with HDR Engineering, Inc., for
continued facilities optimization in connection with
the Metropolitan Wastewater Department Operations and
Maintenance Division;

Authorizing the expenditure of an amount not to exceed
\$350,000 from Fund No. 41508, the funds being
reprogrammed from current year's savings resulting from
facilities optimization to date.

CITY MANAGER SUPPORTING INFORMATION:

On March 24, 1998, the City Council approved the Metropolitan Wastewater Department Operations and Maintenance (O&M) Division's Bid-to-Goal pilot methodology to achieve the purposes of the City's Competition Program. HDR Engineering, Inc., has provided essential consulting for this effort to date, including bench marking the competitive goal, and assisting in formulating optimization strategies to incorporate into the bid. This pilot methodology is meant to result in quality wastewater treatment provided by City employees governed by a multi-year agreement that includes the most appropriate aspects of both the public and private sectors.

The agreement includes two transition years of increasingly reduced costs and leading to full optimization and cost reduction in years three through six. This amendment would continue the efforts of HDR Engineering, Inc., in assisting implementation of optimization strategies through the transition years and into the initial full optimization phase. It is important that changes in the operations and maintenance of this key City infrastructure (the Metropolitan Wastewater System) be well conceived, carefully implemented and closely monitored, to safeguard the associated public health, safety and large ratepayer investment. This amendment will support that prudent intent.

Aud. Cert. 9801319.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-121:

SUBJECT: Winter Shelter Program Extension.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1382) ADOPTED AS RESOLUTION R-290210

Authorizing the City Manager to execute a Second
Amendment with Saint Vincent de Paul, acting as the
fiscal agent for the Solutions Consortium, to operate
the 30-day extension Winter Shelter Program on behalf
of the City;

Accepting the generous contribution of \$20,000 from the
San Diego Housing Commission, to assist in compensating
the Solutions Consortium for services to be performed
during the 30-day period;

Reprogramming \$40,000 in Community Development Block
Grant Funds from the following:

District One	\$5,000 Dept. 4091, Org. 9113 (ADA Compliance
District Two	\$5,000 Fund 18502 (AIDS Building Proceeds)
District Three	\$4,413 Dept. 5843, Org. 9303, and \$587 Dept. 5663, Org. 6312 (Golden Hill Street Improvements)
District Four	\$5,000 Dept. 4087, Org. 8702 (Martin Des Porres)
District Six	\$5,000 Dept. 4082, Org. 8216 (Family Service Association)

District Seven \$5,000 Dept. 4088, Org. 8801 (Urban
Forestry Master Plan)
District Eight \$5,000 Dept. 4013, Org. 1309 (Sherman
Mini Park)

Mayor
City-Wide \$5,000 Dept. 4047, Org. 4702 (Black
Chamber of Commerce) to Fund 18533,
Dept. 4141, Org. 4120 (Winter Shelter)

Allocating \$5,000 in General Funds from the Community
and Economic Development Department for the purpose of
executing a Second Amendment with St. Vincent de Paul;

Authorizing the expenditure of up to \$65,000 in funds
associated with the 30-day extension;

Authorizing the City Manager to extend the winter
sheltering effort up to an additional four weeks beyond
that contracted for under the Second Amendment with St.
Vincent de Paul;

Authorizing the City Manager to execute a Third
Amendment with St. Vincent de Paul, acting as the
fiscal agent for the Solutions Consortium, to operate
the four-week extension on behalf of the City;

Authorizing the expenditure of \$28,000 in General Funds
from Community and Economic Development Department for
this purpose;

Authorizing the expenditure of up to \$28,000 in funds
associated with the Winter Shelter Program;

Declaring that should the full four-week extension not
be required, the fund balance will be deposited into
the Winter Shelter Program for other shelter-related
purposes.

CITY MANAGER SUPPORTING INFORMATION:

The City Council approved a 90-day Winter Shelter Program, which
operated from December 15, 1997 through March 14, 1998.
Approximately 450 persons were sheltered from winter storms
during this 90-day period at three separate sites (Midway,
Newton, and 4th at Ivy). The Winter Shelter Program was extended
for 30 days due to extended stormy weather. That extension cost
\$90,000 and is to be paid for from a \$25,000 private

contribution, which had been given directly to St. Vincent de Paul, a \$20,000 Housing Commission contribution, a \$40,000 Community Development Block Grant contribution, and \$5,000 from the Community & Economic Development Department's 1998 budget. An additional four week extension was negotiated with St. Vincent de Paul, due to projected stormy weather. That extension is divided into two parts. The first two weeks were for the period of April 13, 1998 through April 27, 1998 and the second two week period was contingent upon an evaluation of weather predictions. The four week extension is not to exceed \$28,000 and is based on 200 beds being provided at St. Vincent de Paul for \$5 per bed per night. Funding for the four week extension is from the Community and Economic Development Department's 1998 budget. Since the second two week extension was not necessary, the funds will be deposited into the Winter Shelter Program account for shelter-related expenditures.

Aud. Certs. 9801343/9801344.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-122:

SUBJECT: Nominations to the Centre City Development Corporation
Board of Directors.

(See memorandum from Mayor Golding dated 5/26/98 with
resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Consider the following nominees to fill two vacancies on the
Centre City Development Corporation Board of Directors:

NOMINEE

George W. Lattimer
(General Business)

NOMINATED BY

Mayor Golding, Deputy Mayor
Wear, Councilmembers Mathis
and McCarty

Ed M. Bacani
(Finance)

Mayor Golding, Deputy Mayor
Wear, Councilmembers Mathis,
Kehoe, McCarty and Vargas

TODAY'S ACTION IS:

(R-98-1379) ADOPTED AS RESOLUTION R-290211

Adoption of a Resolution making the appointments;

Declaring that after full and complete public discussion and
deliberation, George W. Lattimer and Ed M. Bacani are
re-elected to the Centre City Development Corporation Board
of Directors, for three-year terms ending May 1, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-123:

SUBJECT: Appointment and Reappointments to the Funds Commission.

(See memorandum from Mayor Golding dated 5/21/98 with
resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1381) ADOPTED AS RESOLUTION R-290212

Council confirmation of the following appointment and
reappointments by the Mayor to the Funds Commission,
for terms expiring as indicated:

Name	Term Expires
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Susan Riegal Harding
(Reappointment)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-124:

SUBJECT: Appointments and Reappointment to the Horton Plaza
Theatres Foundation Board.

(See memorandum from Mayor Golding dated May 14, 1998, with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1380) ADOPTED AS RESOLUTION R-290213

Council confirmation of the following appointments and reappointment by the Mayor to the Horton Plaza Theatres Foundation Board, for terms ending as indicated:

Name	Term Ending
Floyd Gaffney (Reappointment)	November 7, 2000

Donna M. Durckel
(Replacing Darlene Davies,
whose term has expired)

Katherine Anne Halladay July 26, 1999
(Replacing Barbara Cox,
whose term has expired.)

Waiving the City's residency requirements for Floyd
Gaffney.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-125:

SUBJECT: Appointments and Reappointments to the Small Business
 Advisory Board.

(See memorandum from Mayor Golding dated 5/27/98 with
resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1383) ADOPTED AS RESOLUTION R-290214

Council confirmation of the following appointments by
the Mayor to the Small Business Advisory Board, for
terms expiring as indicated, and in categories as
indicated:

Terms to expire July 1, 1999:	Category
George P. Chandler Director (Reappointment)	Small Business Administration
William W. Eigner (Replacing Patricia Burns, whose term has expired)	Greater San Diego Chamber of Commerce

James A. Hill (Reappointment)	National Federation of Independent Business
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Jacqueline C. Wise (Reappointment)	Member-at-Large
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Terms to expire July 1, 2000:

Arthur H. Goodman (Replacing John Johnson, whose term has expired)	Member-at-Large
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Stephen N. Russell (Replacing Carolyn J. Witt, whose term has expired)	Member-at-Large
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Alice M. Tana (Reappointment.)	Member-at-Large
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FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-126:

SUBJECT: Conversion of Lights for Mission Center Road Underpass
at Friars Road.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1330) ADOPTED AS RESOLUTION R-290215

Approving a one-time waiver to the Light Pollution

Ordinance to allow for the conversion of lights from
Low Pressure Sodium (LPS) to High Pressure Sodium (HPS)
for Mission Center Road Underpass at Friars Road.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On April 1, 1998, PS&NS voted 4-0 to accept the City Manager's recommendation for the City Council to grant a waiver to the Light Pollution Ordinance to allow for the conversion of high pressure sodium lights at the Mission Center Road underpass at Friars Road. (Councilmembers Warden, Wear, Stevens, and Vargas voted yea. Councilmember McCarty not present.)

CITY MANAGER SUPPORTING INFORMATION:

Recently, a constituent requested for the conversion of existing street lights from Low Pressure Sodium (LPS) to High Pressure Sodium (HPS) for Mission Center Road underpass at Friars Road. Mission Center Road is located north of I-8 which is outside the boundary for installing HPS lights, as specified in the Light Pollution Ordinance. The lights are under a covered structure which will shield the broader spectrum of lights that HPS lights emit. Therefore, staff is recommending that the Council grant a waiver to the Light Pollution Ordinance to allow for this conversion.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Two actions related to Sea World - Lease Amendment and Expansion and Certifying Mitigated Negative Declaration LDR-96-7987.

(See City Manager Report CMR-98-116. Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-98-144) INTRODUCED WITH AMENDMENT TO LEASE,
TO BE ADOPTED JUNE 29, 1998

Introduction of an Ordinance authorizing the City Manager to execute a lease amendment and maintenance agreement with Sea World, Inc., for a 23.5 acre expansion area.

Subitem-B: (R-98-1385) ADOPTED AS RESOLUTION R-290216

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration LDR-96-7987, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council.

FILE LOCATION: Subitem A: NONE; Subitem B: LEAS - Sea World, Inc.

COUNCIL ACTION: (Tape location: B556-E293.)

Hearing began at 3:33 p.m. and halted at 5:26 p.m.

Testimony in opposition by Scott Andrews, Donna Frye, Walter Tice, Al Strohlein, Catherine Strohlein, and Billy Paul.

Testimony in favor by Bill Davis, Steve Pelt, Malin Burnham, Danille Oki, Michelle Moreno, Alan Neviin, Jeff Langston, and Bill Evans.

MOTION BY MATHIS TO APPROVE THE MANAGER'S RECOMMENDATION WITH THE FOLLOWING ADDITIONS: A \$4.5 MILLION MINIMUM AND MAKE ADJUSTMENTS TO THE LEASE TO COVER THOSE ISSUES HAVING TO DO WITH A NEW USE OR ANYTHING THAT ADDS OR WOULD ADD SIGNIFICANT VALUE TO THE APPRAISED VALUE AND INCLUDE MAYOR GOLDING'S DIRECTION THAT A RESIDUAL CASH ANALYSIS BE DONE AT

THE TIME OF THE LEASE RENEWAL IN 2004. Second by Wear.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Adoption of the Fifth Amendment to the Agreement with
MTDB for Taxicabs and Other Private For-Hire Vehicles.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
5/18/98. (Council voted 7-0. Councilmembers Mathis and
Warden not present):

(O-98-111) ADOPTED AS ORDINANCE O-18526 (New
Series)

Authorizing a fifth amendment to the agreement with
Metropolitan Transit Development Board (MTDB) to
continue the administration of taxicabs and other
private for-hire vehicles regulations, for a five year
period;

Authorizing MTDB to continue to provide for the
regulation of taxicabs and other private for-hire
vehicles for services rendered wholly within the City's
corporate limits.

ADDITIONAL BUSINESS: (R-98-1499) ADOPTED AS RESOLUTION
R-290217

During the meeting additional business was discussed to
extend the present agreement with MTDB until the effective
date of July 8, 1998, as authorized by the ordinance.

CITY MANAGER SUPPORTING INFORMATION:

In 1989, at the City's request, MTDB agreed to license and
regulate taxicab and other paratransit vehicles, now referred to
as private for-hire vehicles, for the City of San Diego. The
term of this agreement has been extended by amendments through
June 30, 1998. At its meeting on November 12, 1997, the Taxicab

Committee, an advisory committee to the MTD Board, recommend that the City's agreement with MTDB for regulation of taxicabs and other private for-hire vehicles be extended for a term of five years, from July 1, 1998 through June 30, 2003. The Taxicab Committee is now in its fourth year of operation and continues to provide a forum for communication among taxi owners, staff, the MTD Board and the City. On December 11, 1997, the MTD Board approved and authorized entering into an agreement with the City for the regulation of taxicabs and other private for-hire vehicles for a five year period.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE INCLUDING THE MOTION BY VARGAS AS FOLLOWS: AUTHORIZING THE FIFTH AMENDMENT TO THE AGREEMENT WITH MTDB TO CONTINUE THE ADMINISTRATION OF TAXI CABS AND OTHER PRIVATE FOR-HIRE VEHICLE REGULATIONS FOR FIVE YEARS AND TO EXTEND THE PRESENT AGREEMENT WITH MTDB UNTIL THE EFFECTIVE DATE OF JULY 8, 1998, AS AUTHORIZED BY THE ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Approving the First Amendment to the Lease with Wesco Sales Corporation (Dana Landing).

(Mission Bay Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/26/98:

(O-98-130) ADOPTED AS ORDINANCE O-18527 (New Series)

Authorizing the City Manager to execute a first amendment to the lease with Wesco Sales Corporation (Dana Landing) for acceleration of the Redevelopment Plan.

FILE LOCATION: LEAS - Wesco Sales Corporation (Dana
Landing)

COUNCIL ACTION: (Tape location: B232-536.)

Hearing began at 3:13 p.m. and halted at 3:32 p.m.

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND
ADOPT THE ORDINANCE. Second by Kehoe. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Adoption of an Ordinance Approving the Lease Agreement
with Intrax, Inc. for an International School and
Office Space.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
5/26/98. (Council voted 9-0):

(O-98-115) ADOPTED AS ORDINANCE O-18528 (New
Series)

Authorizing a lease agreement with Intrax, Inc. for an
international school and office space in the World
Trade Center, for a term of 10 years, at an initial
monthly rent of \$4,348.05 (\$1.05 per square foot).

CITY MANAGER SUPPORTING INFORMATION:

Intrax English Institute has selected the World Trade Center
(WTC) to open another international school. Intrax is a
California corporation established in 1981 and provides numerous
educational programs and placement services for international
students who wish to enroll in American private high schools.
These services are provided to over 3,500 students each year. In

addition, Intrax operates the American English academies and arranges student exchange programs to send American high school students to ten different countries. The San Diego facility at the WTC would be modeled after their San Francisco school.

The basic terms of the lease are as follows:

USE: International School providing educational programs and placement services for international students.

PREMISES: 1250 Sixth Avenue, Suite 301 in the World Trade Center.

SQUARE FEET: 4,141.

LEASE TERMS: 10 years, effective June 1, 1998 to May 31, 2008.

OPTION TO EXTEND: Upon the City's approval, the tenant may extend the lease for two five-year periods. Rent will increase 5 percent each year during each extension.

SECURITY DEPOSIT: \$5,673.22.

EARLY TERMINATION: Tenant has one option to terminate the lease within the first six months of the lease term if the San Diego District of Immigration and Naturalization Services denies the tenant issuing authority for obtaining Visas for students. The penalty requires Intrax to reimburse the City for any rent credit. Also, upon the request of the City, Intrax will restore the premises to its original condition.

RENT: For the months of June 1, 1998 through December 31, 1998 tenant will receive a rent credit of \$30,436.35. January 1, 1999 rent will be \$4,348.05 per month - \$1.05 per square foot. Rent is based on similar space in comparable downtown buildings.

RENT INCREASES: 3 percent annual increases each June.

TENANT IMPROVEMENTS: Tenant will be installing over \$50,000 in tenant improvements at the cost of the tenant.

FILE LOCATION: LEAS - Intrax, Inc., World Trade Center

COUNCIL ACTION: (Tape location: B232-536.)

Hearing began at 3:13 p.m. and halted at 3:32 p.m.

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204:

SUBJECT: Second Public Hearing and Introduction and Adoption of an Ordinance Amending the Fiscal Year 1997-98 Appropriations Ordinance, Concerning the New Downtown Jail Facility.

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-98-138 COR.COPY) INTRODUCED AND ADOPTED AS ORDINANCE
O-18529 (New Series)

Amending Ordinance No. O-18424, The Fiscal Year 1997-98 Appropriations Ordinance, and authorizing the City Manager to enter into the necessary agreements to implement the 1994 Memorandum of Understanding with the County of San Diego Concerning the New Downtown Jail Facility.

CITY MANAGER SUPPORTING INFORMATION:

In 1994, the City of San Diego and the County of San Diego entered into a Memorandum of Understanding (MOU) concerning the City's participation in the financing and construction of a new jail facility in downtown San Diego. The MOU provides that the City will make a payment in the nature of prepaid rent of approximately \$5.2 million the day the new facility is operational, and for 29 years thereafter. In return, the City will have the right to 180 beds for City misdemeanor arrestees in the new facility and be relieved of the obligation to pay past and future booking fees.

In addition, the City will pay an agreed upon sum as a per diem for those arrestees. The operational date for the facility was not specified in the MOU. The County has informed the City that the facility will be operational in late May of 1998, within the 1997-98 fiscal year. The appropriations ordinance for the fiscal

year, Ordinance No. O-18424, does not contain an appropriation for the jail payment nor for necessary modifications to the Las Colinas Jail Facility to receive City female misdemeanor arrestees, and the ordinance must be amended to make those appropriations. In addition, other agreements are necessary to implement the 1994 MOU, including an agreement to accept from the Corrections Corporation of America (CCA), through the County, a payment of \$6 million for the early transfer of operational control of the East Mesa Detention Facility to CCA, and setting the per diem amount for City misdemeanor arrestees. The proposed amendment to Ordinance No. O-18424 makes the necessary appropriations and authorizes the City Manager to enter into the other necessary agreements to implement the 1994 MOU.

Aud. Certs. 9801300/9801301.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO INTRODUCE AND DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205:

SUBJECT: 1998 Special Tax Refunding Bonds of the City of San Diego Community Facilities District No. 1 (Miramar Ranch North).

(See City Manager Report CMR-98-110. Miramar Ranch North Community. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1367) ADOPTED AS RESOLUTION R-290218

Authorizing the issuance of not to exceed \$65,000,000 aggregate principal amount of the City of San Diego Community Facilities District No. 1 (Miramar Ranch North) 1998 Special Tax Refunding Bonds;

Approving the form, execution and delivery of an Indenture, an Escrow Agreement, a Bond Purchase Agreement, a Continuing Disclosure Agreement, a Preliminary Official Statement and the preparation of a Final Official Statement;

Authorizing the City Manager or his designees to do any and all things necessary to execute and deliver documents to consummate the issuance of the 1998 Special Tax Refunding.

CITY MANAGER SUPPORTING INFORMATION:

On January 8, 1991, the City Council established Miramar Ranch North CFD No. 1 and authorized the issuance of up to \$73 million of land-secured bonds (in multiple series) to finance the construction and acquisition of authorized public facilities in or serving the District. These facilities were specifically identified in the Acquisition and Funding Agreement between the City and the Miramar Ranch North Partnership ("Developer"), also ADOPTED AS City Council action on January 8, 1991. In July of 1991, the City issued \$35.34 million of 1991 Series A bonds on behalf of the District.

On October 26, 1993, the City Council acted to reduce the authorized maximum amount of bonded indebtedness available to the District from \$73 million to \$56.205 million, leaving the \$20.865 million of authorized bonded indebtedness available to the District. The Developer (the majority property owner in CFD No. 1) approached the City in July of 1995 to request that the City issue the remaining \$20.865 million of authorized bonds on behalf of the District. In December of 1995, the City issued \$20.865 million of 1995 Series B bonds on behalf of the District. In an effort to significantly reduce annual special tax payments for the property owners within CFD No. 1, the City Council adopted a resolution on March 17, 1998, directing the City Manager to do any and all things necessary and appropriate, within the City Manager's purview and limitations, to prepare documents required to facilitate the sale of the 1998 Refunding Bonds. The City Manager was further authorized to engage an underwriting team, bond counsel and disclosure counsel to facilitate a cost effective financing. In accordance with that direction, the following independent consultants were retained to assist with the proposed refunding: Appraiser-Lipman, Stevens, Marshall & Thene; Bond/Disclosure Counsel-Orrick, Herrington & Sutcliffe, LLP; Special Tax Consultant-Dick Jacobs & Associates; Underwriter-Paine Webber/E.J. De La Rosa & Co.; Underwriter's Counsel-O'Melveny & Myers.

FILE LOCATION: STRT - CF-1

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206:

SUBJECT: Reclaimed Water Retrofit Reimbursement Agreements.

(University, Mira Mesa, Scripps Miramar, Scripps Ranch
Community Areas. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1429 Cor.Copy) ADOPTED AS RESOLUTION R-290219

Authorizing the City Manager to execute Reclaimed Water
Retrofit Reimbursement Agreements with customers not to
exceed \$250,000 each when funds are available.

CITY MANAGER SUPPORTING INFORMATION:

The City Council, on June 25, 1996, adopted Resolution R-287560, authorizing the City Manager to enter into and execute Reclaimed Water Retrofit Reimbursement Agreements with customers in an amount not to exceed \$50,000. At the time this resolution was adopted, it was unknown as to what the customer participation level would be. To date, we have entered into 75 customer agreements resulting in approval of 36 City Manager Actions totaling \$952,297 and 13 requests for Council Action totaling \$1,779,053. Based on the volume of customers participating in the reimbursement program and the City's desire to retrofit customers in a timely manner, it is requested that a resolution be adopted which would increase the current City Manager approval of such agreements from \$50,000 to \$250,000, which would reduce overall City staff time, and allow the City to meet the current demand, process, and approve such agreements. This approval would be consistent with other activities such as City Manager approval of construction contracts up to \$1,000,000 and hiring of consultants up to \$250,000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-nay, Warden-not present, Stallings-yea,
McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-207:

(Continued from the meeting of 5/18/98, Item 103, at
the City Manager's request, for further review.)

SUBJECT: Time Limit Parking on La Jolla Boulevard and Bird Rock
Avenue.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Do not adopt the following resolution:

(R-98-1213) CONTINUED TO JUNE 15, 1998

Establishing an unmetered two-hour time limit parking
zone on both sides of La Jolla Boulevard between
Forward Street and Bird Rock Avenue, and on the south
side of Bird Rock Avenue between La Jolla Boulevard and
the alley to the west, effective between the hours of
10:00 a.m. and 6:00 p.m., Sundays and certain holidays
excepted;

Authorizing the installation of the necessary signs and
markings; declaring that the regulations shall become
effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This item is regarding a proposal to establish a two-hour time
limit parking zone on both sides of the 5600 block of La Jolla

Boulevard between Forward Street and Bird Rock Avenue, and on the south side of Bird Rock Avenue from La Jolla Boulevard to the alley to the west. The proposal was submitted by a petition of property owners and businesses representing 73 percent of the affected frontage. The proposal is supported by the Bird Rock Community Council, the La Jolla Traffic and Transportation Board, Promote La Jolla, the La Jolla Town Council, and the La Jolla Community Planning Association.

Recent parking studies on a typical weekday during regular business hours, between 10:00 a.m. and 6:00 p.m., revealed an average parking space occupancy of 58 percent on the east side and 45 percent on the west side, and an average parking duration of 2.92 hours and 1.77 hours, respectively, on the subject block of La Jolla Boulevard. Typically, a two-hour time limit is appropriate where parking space occupancy is 75 percent or higher, and average parking duration is three hours or higher. Therefore these data indicate adequate parking availability under the current, unrestricted condition. Additionally, time limit parking in this area may have an adverse impact on the surrounding neighborhoods by diverting commuter parking to nearby residential streets. Therefore, this action is not recommended. When time limit parking was proposed at this location in 1996, several residents of nearby streets contacted the City in opposition.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO CONTINUE TO JUNE 15, 1998 AT THE REQUEST OF COUNCIL MEMBER MATHIS FOR FURTHER REVIEW. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-208:

SUBJECT: Anti-Meth Production Ordinance.

(See memorandum from Mayor Golding dated 5/28/98.)

MAYOR GOLDING'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-145) TRAILED TO JUNE 9, 1998

Introduction of an Ordinance amending Chapter V, Article 2, of the San Diego Municipal Code by adding Division 31, titled Limits on Sales of Products Containing Ephedrine, and by adding Sections 52.3101, 52.3102, 52.3103, 52.3104, 52.3105, 52.3106 and 52.3107, all relating to Regulation of the Sale of Over-the Counter Products Containing Ephedrine.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B232-536.)

CONSENT MOTION BY STALLINGS TO TRAIL TO JUNE 9, 1998, AT THE REQUEST OF THE MAYOR FOR FURTHER REVIEW. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S400:

SUBJECT: Proclaiming June 8, 1998 to be "Alpha Kappa Alpha 'AKA' Sorority Day" in the City of San Diego.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1221) ADOPTED AS RESOLUTION R-290220

Commending Alpha Kappa Alpha Sorority, Inc. for ninety years of service and contributions made both collectively and individually to stimulate young imagination and to encourage their hopes and dreams;

Proclaiming June 8, 1998 to be "Alpha Kappa Alpha Sorority, Inc. Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B168-223.)

MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:27 p.m. in honor of the memory of:

Barry Goldwater and Jissel Gonzales as requested by Deputy Mayor Wear.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E296-303).